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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/139,330	08/25/1998	KOICHI SAKAMOTO	Q50138	5205

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SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373202

EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT	PAPER NUMBER
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2612

14

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/139,330

Applicant(s)

SAKAMOTO, KOICHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 11-18, 20 and 21 is/are allowed.
- 6) ☒ Claim(s) 9, 10, 19, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 9-10, 19, 22-23 filed on 4/2/2004 has been considered but are moot in view of the new ground(s) of rejection. A non-final Office Action is made as follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9, 19, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (US 4,658,286) in view of Levine (US 4,751,583).

Regarding claim 9, Schwartz et al. discloses a method for correcting distortions in reproducing system, comprising the steps of displaying the original image captured by the image pickup device on a display device as a reproduced image (scene 72 is displayed as shown in figure 4); displaying on a screen of the display device a reference image for detection of a controlled state of the display device (test colors M1, M2... Mn are displayed in the scene 72, figure 4, column 6, lines 5-15); capturing the reference image displayed on the screen by the

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image pickup device to produce reference image data (test colors M1, M2... Mn are captured by camera 58, figure 4, column 6, lines 25-47); and estimating a displayed state of the reproduced image displayed on the display device from the reference image data (the color correction computer 74 initiates correction process for video signal Ru, Gu, Bu based on the signal generated from time gate generator 64 after all test colors M1, M2... Mn have been scanned, figure 4, column 6, lines 25-47); and restoring image data representing an image associated with the reproduced image (color corrector 60 receives output from color correction computer 74 and implements a correction to the video signal from camera 58 and outputs corrected video signal R, G, B, which are ready for transmitting to a broadcast system or to a display, figure 4, column 5, line 60 – column 6, line 47).

Schwartz et al. fails to specifically disclose capturing an original image by an image pickup device; performing a printing processing on the print image data; printing an image represented by the print image data performed with the printing processing. However, Levine discloses an off line photocopying system using electronic camera, in which images captured by camera 10 are recorded in the internal memory of the camera 10 or memory 24, the recorded images are processed in processor-previewer 12, and then the processed images are read out to a copier-printer 22 for printing hard copy (figure 1, column 3, lines 40-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Schwartz et al. by the teaching of Levine in order to print a quality hard copy.

Regarding claim 19, Levine discloses step of editing (column 4, lines 35-45). Schwartz et al. and Levine do not disclose the step of performing the printing processing comprising the step of using information obtained during the step of editing to modify the print image data. However, Levine discloses a hard copy is printed by printer 22 (figure 1) and image is edited before being printing (column 4, lines 35-45). It would have been obvious to include the step of using information obtained during the step of editing to modify the print image data into the device of Schwartz et al. and Levine in order to a desired hard copy.

Regarding claims 22-23, Schwartz et al. discloses the reference image data and the reproduced image data are transmitted over the network (the test colors M1, M2..., Mn and scene 72 are captured by camera 58 and input to color corrector 60, the outputs of corrector 60 are coupled to a transmitter (figure 4, column 5, lines 60-68).

4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schwartz et al. (US 4,658,286) in view of Levine (US 4,751,583) further in view of Harshbarger, Jr. et al. (US 5,351,201).

Regarding claim 10, Schwartz et al. and Levine fails to specifically disclose the reference image comprises a picture pattern reference representing gradation levels. However, Harshbarger, Jr. et al. discloses one type of test pattern which is shown in figure 4J, which shows a two level, side by side pattern screen 81, the levels may be gray scale, column 9, lines 45-50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Schwartz et al. and Levine by the teaching of Schwartz et al.

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in order to evaluate degradation through simple, single frequency or parameter visual display (column 9, lines 49-51).

Allowable Subject Matter

5. Claims 1-8, 11-18, 20-21 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

As for claims 1-8, See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

As for claims 11-18, See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 6 made on 1/16/2003.

As for claims 20-21, See Examiner's comment for a statement of reasons for the indication of allowable subject matter as indicated in paper No. 9 made on 7/02/2003.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LN
4/27/2004


WENDY R. GARBER
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TECHNOLOGY CENTER 2600